

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JESSIE WILLIAMS,

Plaintiff,

v.

C.O. STANIT, SGT. TRITT, SGT. LENTZ,  
SGT. WALLER and L.T. BAEMER,

Defendants.

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ORDER

10-cv-021-bbc

On January 14, 2010, this court entered an order giving plaintiff until February 5, 2010 to submit a copy of his six-month trust fund account statement so that I may assess an initial partial payment of the \$350 fee for filing this case. Plaintiff has submitted the requested statement. From the statement, it appears that he has no present means with which to pay an initial partial payment of the \$350 filing fee. However, plaintiff should be aware that he is obligated to pay the \$350 filing fee, even if this court determines that he will not be permitted to proceed with his complaint *in forma pauperis* and even if he does not presently have funds with which to pay the fee. 28 U.S.C. § 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that plaintiff's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2). Leave to proceed *in forma pauperis* will not be granted if the action must be dismissed as malicious or legally "frivolous," a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a

defendant who is legally protected from having to pay money in his case. Plaintiff will be notified promptly when such a decision has been made.

Further, the Clerk of Court is requested to insure that the court's financial records reflect that plaintiff owes the \$350 fee for filing this case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 19<sup>th</sup> day of January, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge